

disregard, in your professional opinion, would the court look upon one phrase or the other differently or would they look upon both phrases exactly the same?

SENATOR KRISTENSEN: I think they would have to make that interpretation but roughly you are going to have about the same interpretation between reckless and gross. I happen to like reckless better because it talks about a disregard. I mean, I don't think gross and disregard go together as well as reckless does. Reckless is sort of I do it so fastly that I do it without total regard of what is there and, I guess, in terms and usage I prefer the reckless, that's the way it has been drafted in there, but I'm not sure there is a substantive difference.

SENATOR BEUTLER: You are not sure if there is a substantive difference. If when you say you are not sure, there is some doubt in your mind. If there is a difference, would you not say that reckless disregard is the more difficult standard to meet?

SENATOR KRISTENSEN: No, I'm not sure. I don't think there is that difference. You know, I don't think...

SENATOR BEUTLER: Then you think there is no difference? Are you not sure or is there no difference? And I'm not...

SENATOR KRISTENSEN: Well, my response to you is I don't think that...

SENATOR BEUTLER: I'm asking because I don't know, but I know with the old tort books...

SENATOR KRISTENSEN: I don't believe there to be a difference.

SENATOR BEUTLER: Pardon me?

SENATOR KRISTENSEN: I do not believe there to be a difference. Now there...I don't think there is a difference with a distinction there. You have two different terms, but the ultimate outcome is going to be the same with both, in my opinion.

SENATOR BEUTLER: Okay. Let me switch topics with you a little bit here and explore another area that is of some concern to me. And, again, it is probably something that I need some more research on, but I would certainly appreciate your expression on